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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/720,570

12/23/2004

Keith Edwin Curtis

3128/FBR

3433

23446 7590 08/19/2009  
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EXAMINER

JANAKIRAMAN, NITHYA

ART UNIT

PAPER NUMBER

2123

MAIL DATE

DELIVERY MODE

08/19/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/720,570	<b>Applicant(s)</b> CURTIS ET AL.	
	<b>Examiner</b> NITHYA JANAKIRAMAN	<b>Art Unit</b> 2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-14 and 41-44 is/are pending in the application.
- 4a) Of the above claim(s) 15-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-14, 41, 43-44 is/are rejected.
- 7) ☒ Claim(s) 42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is in response to the submission filed on 4/29/09. Claims 10-14 and 41-44 are presented for examination.

#### ***Response to Arguments- 35 USC § 103***

1. Applicant's arguments filed 4/29/09 have been fully considered but they are not persuasive.

#### **Argument 1:**

2. Applicant argues repeatedly that Applicant's V-PROM cannot be Alcorn's "game specific data set" and that the Examiner must be taking Official Notice in this instance.

3. Applicant's Specification defines "V-PROM" as "logical containers (like files folders or directories) that contain related stored binary information (software and data)" (pages 5-6), and that "a V-PROM library which groups related gaming software and data in the logical containers termed "V-PROMs" (page 7). It then continues to elaborate that the "V-PROM Registry Set" contains the "V-PROM names, description of related gaming software and data, version numbers", etc. Alcorn teaches a "game specific data set, which includes both program data and image data specifying the rules of the various different casino games or single casino game variations, and the types of images and image sequences to be displayed to the game players." This is the justification provided for equating V-PROMs with Alcorn's game specific data set. The video subsystem 22 was provided to teach the previously claimed "selection screen". No Official Notice is required for one of ordinary skill in the art to equate a data set with "file folders or directories". Applicant is encouraged to arrange an interview to provide further arguments as to how a data set could not possibly read on a file folder. Rejection maintained.

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4. All other arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

5. Claim 10 is objected to because of the following informalities: "providing browsing access screen" should read "providing a browsing access screen".

6. Claims 12 and 13 are objected to because of the following informalities: the term "V-PROM" has changed to "V-EPROM". There is no support in the specification for "V-EPROM". Consistency is required.

### ***Allowable Subject Matter***

7. Claim 42 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

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evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 10-14, 41, and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,643,086, (hereinafter Alcorn) in view of US Patent 5,003,507, (hereinafter Johnson), in view of US Patent 5,070,479 (hereinafter Nakagawa).

10. Alcorn discloses an electronic casino gaming system for storing a casino game authentication program (see Abstract). However, Alcorn does not disclose the emulation of erasable programmable read-only memory (EPROM).

11. The Johnson invention relates to EPROM emulators (see column 1, lines 8-29).

12. Alcorn and Johnson are analogous art because they are both related to read-only memory (ROM).

13. Therefore, it would be obvious to one having ordinary skill in the art at the time the invention was made combine the casino game authentication program with the EPROM emulator of Johnson because “this allows the EPROM to be much more versatile” and “there is need to eliminate this time consuming reprogramming during the development stages of this type of hardware” (see Johnson, column 1, lines 15-20). Combining Alcorn and Johnson would create an emulated EPROM interface that “allows the programmers to concentrate on the programming without the worry of having to face a long reburning process for a new test. This in turn leads to a better product since it can be more thoroughly tested before the final EPROM is programmed and any bugs or faults which are found can be eliminated by further testing” (see Johnson, column 1, lines 22-29).

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14. Alcorn also does not teach that the authentication program (EPROM reader) is external.
15. Nakagawa does teach an external authenticating processing means.
16. Alcorn and Nakagawa are analogous art as they are both related to authenticating gaming systems.
17. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the external authentication of Nakagawa with the system of Alcorn, motivated by the desire to determine "whether software contained in an external memory, for example, ROM cartridge, floppy disk or the like, is authorized for use with a main processor unit" (Nakagawa, Field of Invention).

18. Regarding claim 10, Alcorn, Johnson, and Nakagawa teach:

In an electronic gaming machine having (1) game software (*Alcorn: column 2, line 14*) stored in a non-EPROM storage media in the form of V-PROMs (*Alcorn: column 6, lines 31-35; the "game specific data set" serves as the file folders and directories containing software and data for the V-PROM as defined by Applicant's Specification*), and (2) an EPROM emulator (*Johnson: column 1, lines 8-29, "eprom emulator"*), a method for verifying the stored game software using an external EPROM reader (*Alcorn: column 2, lines 14-41, the "authentication program"*; *Nakagawa: Claim 4, "external authenticating processing means"*), the method comprising:

providing browsing access screen (*Alcorn: column 6, lines 58-63; video subsystem 22 provides display capability of the various games within the 'game specific data set'- the V-PROM*) to a plurality of V-PROMs resident on the storage media of the gaming machine;

selecting a V-PROM (*Alcorn: column 9, lines 40-44; "...player selects a casino game for game play in the system, the authenticity of that game actually stored in the mass storage unit is automatically checked using the authentication procedure..."*);

downloading the selected V-PROM to an EPROM emulator (*Alcorn: column 9, lines 41-44; "a player selects a casino game for game play in the system, the authenticity of that game actually stored in the mass storage unit is automatically checked using the authentication procedure"; in this manner, the subset is the selected casino game of the player to be executed and authenticated; column 5, lines 40-43, "any casino game data set can be loaded from any source"*);

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connecting an external EPROM reader to the EPROM emulator (*Nakagawa: Claim 4, "external authenticating processing means"; Johnson: column 1, lines 8-29, "eprom emulator"*); and

verifying the selected V-PROM (*Alcorn: column 2, lines 14-41, the "authentication program"*) at the external EPROM reader (*Nakagawa: claim 4, "external authenticating processing means"*).

19. Regarding claim 11, Alcorn, Johnson, and Nakagawa teach:

The method according to claim 10 and further including:

generating a presentation screen showing a user log (*Alcorn: column 8, lines 55-57, "message digest"; reporting on the game data set includes reporting on the user operating the game data set*); and

receiving a user registration prior to providing a selection screen (*Alcorn: column 9, lines 51-54; the presence of authorized users necessarily involves a registering to make the users authorized*).

20. Regarding claim 12, Alcorn, Johnson, and Nakagawa teach:

A method for verifying software (*Alcorn: column 2, lines 14-41, the "authentication program"*) of a gaming machine (*Alcorn: column 2, line 14*) contained in a plurality of memory types other than EPROMs (*Johnson: column 1, lines 8-29, "eprom emulator"*) using an external EPROM reading and verification device (*Alcorn: column 2, lines 14-41, the "authentication program"*), the method comprising:

abstracting the software of the memory type into a plurality of virtual EPROM (V-EPROM) sets (*Alcorn: column 6, lines 31-35; the "game specific data set" serves as the file folders and directories containing software and data for the V-PROM as defined by Applicant's Specification*);

listing the V-EPROM sets in a registry library (*Alcorn: column 6, lines 31-35; the "game specific data set" serves as the file folders and directories containing software and data for the V-PROM as defined by Applicant's Specification*);

displaying the registry to receive a selection of at least one of the V-EPROM sets (*Alcorn: column 9, lines 41-44; "a player selects a casino game for game play in the system, the authenticity of that game actually stored in the mass storage unit is automatically checked using the authentication procedure"; in this manner, the subset is the selected casino game of the player to be executed and authenticated*);

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receiving the selection of at least one set (*Alcorn: column 9, lines 41-44; “a player selects a casino game for game play in the system, the authenticity of that game actually stored in the mass storage unit is automatically checked using the authentication procedure”; in this manner, the subset is the selected casino game of the player to be executed and authenticated*); and

providing the selected at least one set to the external EPROM verification device for verifying the selected at least one set (*Alcorn: column 2, lines 14-41, the “authentication program”*).

21. Regarding claim 13, Alcorn, Johnson, and Nakagawa teach:

A method for verifying software (*Alcorn: column 2, lines 14-41, the “authentication program”*) for a gaming machine *Alcorn: column 2, line 14*) resident on memory devices other than EPROMs using external EPROM verification comprising *Johnson: column 1, lines 8-29, “eprom emulator”*):

abstracting the software of the memory type into a plurality of virtual EPROM (V-EPROM) data sets (*Alcorn: column 6, lines 31-35; the “game specific data set” serves as the file folders and directories containing software and data for the V-PROM as defined by Applicant’s Specification*);

listing the V-EPROM data sets in a registry library (*Alcorn: column 6, lines 31-35; the “game specific data set” serves as the file folders and directories containing software and data for the V-PROM as defined by Applicant’s Specification*);

displaying the registry to receive a selection of at least one of the V-EPROM sets (*Alcorn: column 9, lines 41-44; “a player selects a casino game for game play in the system, the authenticity of that game actually stored in the mass storage unit is automatically checked using the authentication procedure”; in this manner, the subset is the selected casino game of the player to be executed and authenticated*);

receiving the selection of at least one set (*Alcorn: column 9, lines 41-44; “a player selects a casino game for game play in the system, the authenticity of that game actually stored in the mass storage unit is automatically checked using the authentication procedure”; in this manner, the subset is the selected casino game of the player to be executed and authenticated*); and

using the external EPROM verification verifying the selected set (*Alcorn: column 2, lines 14-41, the “authentication program”*).

22. Regarding claim 14, Alcorn, Johnson, and Nakagawa teach:

The method of claim 13 comprising restricting user access to one of the display of the library or selection of a set to an authorized user (*Alcorn: column 9, lines 51-54; the presence of authorized users necessarily involves a registering to make the users authorized*).



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23. Regarding claim 41, Alcorn, Johnson, and Nakagawa teach:

The method of claim 10, wherein downloading the selected V-PROM comprises downloading information of the selected V-PROM to the EPROM emulator (*Alcorn: column 9, lines 41-44; “a player selects a casino game for game play in the system, the authenticity of that game actually stored in the mass storage unit is automatically checked using the authentication procedure”; in this manner, the subset is the selected casino game of the player to be executed and authenticated; column 5, lines 40-43, “any casino game data set can be loaded from any source”*).

24. Regarding claims 43, Alcorn, Johnson, and Nakagawa teach:

The method of claim 12, wherein the registry comprises a location and media type of the software and data, and a name of the software (*Alcorn: column 6, lines 31-35 “game specific data set, which includes both program data and image data specifying the rules of the various different casino games or single casino game variations, and the types of images and image sequences to be displayed to the game players”*).

25. Regarding claim 44, Alcorn, Johnson, and Nakagawa teach:

The method of claim 13, wherein the registry comprises a location and media type of the software and data, and a name of the software (*Alcorn: column 6, lines 31-35 “game specific data set, which includes both program data and image data specifying the rules of the various different casino games or single casino game variations, and the types of images and image sequences to be displayed to the game players”*).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NITHYA JANAKIRAMAN whose telephone number is (571)270-1003. The examiner can normally be reached on Monday-Thursday, 8:00am-5:00pm, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on (571)272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nithya Janakiraman/  
Examiner, Art Unit 2123

/Paul L Rodriguez/  
Supervisory Patent Examiner,  
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